

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KIMBERLY MILES,)	
)	
Plaintiff,)	1:21-cv-01841
)	
v.)	Judge Norgle
)	Magistrate Judge Gilbert
CREDIT ACCEPTANCE CORPORATION,)	
)	
Defendant.)	

REPORT OF THE PARTIES' PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on August 17, 2021, by telephone.

David Marco, representing the Plaintiff
James J. Morrissey, representing the Defendant.

2. Initial Disclosures. The parties will complete by September 17, 2021, the initial disclosures required by Rule 26(a)(1).
3. Discovery Plan. Defendant proposes that discovery be stayed pending a ruling on Plaintiff's pending motion to dismiss Credit Acceptance's Counterclaim. If a discovery plan is entered, the parties propose this discovery plan:
- (a) Plaintiff anticipates that discovery will be needed, *inter alia*, on these subjects:
 - i. Defendant's FCRA compliance policies and procedures,
 - ii. Defendant's FCRA compliance policies and procedures for reporting account information to consumer reporting agencies.
 - iii. Defendant's policies and procedures for investigating consumer disputes,
 - iv. The facts and circumstances of Defendant's investigation into Plaintiff's dispute,
 - v. Any and all communications between Plaintiff and Defendant,
 - vi. Communications between Defendant and third parties relative to Plaintiff's dispute.
 - (b) Credit Acceptance anticipates that discovery will be needed, *inter alia*, on the following topics:
 - i. Plaintiff's alleged damages.
 - ii. The "dispute" Plaintiff allegedly submitted to credit reporting agencies in January 2021.

- iii. Information and reports Plaintiff allegedly received from credit reporting agencies before and after submitting the alleged dispute in January 2021.
 - iv. Expert discovery concerning the accurate credit reporting of Plaintiff's account.
- (c) Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.
- i. Fact Discovery will be completed by **March 18, 2022.**
 - ii. Expert Discovery will be completed by **June 17, 2022.**

- (d) Maximum number of interrogatories by each party to another party, along with the dates the answers are due.

Pursuant to Fed.R.Civ.P. 33. Responses due thirty (30) days after propounding interrogatories.

- (e) Maximum number of requests for admission, along with the dates responses are due.

Responses due thirty (30) days after propounding requests for admission.

- (f) Maximum number of depositions by each party.

Plaintiff anticipates this case will require no more than 5 depositions per side. Credit Acceptance states that it cannot determine the number of depositions required until it obtains discovery regarding Plaintiff's alleged damages.

- (g) Limits on the length of depositions, in hours.

7 hours.

- (h) Dates for exchanging reports of expert witnesses.

Plaintiff shall exchange expert reports by **April 15, 2022**
 Defendant shall exchange expert reports by **May 13, 2022**

- (i) Dates for supplementations under Rule 26(e).

February 18, 2022

4. Other Items:

- (a) A date if the parties ask to meet with the court before a scheduling order.

The parties do not request to meet with the court in advance of the entry of the scheduling order.

- (b) Requested dates for pretrial conferences.

On or about **October 18, 2022**.

- (c) Deadline to amend pleadings or to join parties.

Plaintiff proposes that any amendments to the pleadings may be filed without leave of court by **December 3, 2021**. Any amendments to the pleadings after said date must be either with the consent of the opposing party or with leave of court, pursuant to Fed.R.Civ.P. 15(a)(1)(2).

Credit Acceptance states that there is no reason to deviate from the requirements of Fed. R. Civ. P. 15(a) regarding amendments to the pleadings.

- (d) Deadline to file dispositive motions.

July 15, 2022

- (e) State the prospects for settlement.

The parties have discussed the possibility of a resolution but have been unable to reach a settlement.

- (f) Identify any alternative dispute resolution procedure that may enhance settlement prospects.

None at present. That may change as the parties proceed with discovery.

- (g) Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.

October 19, 2022.

- (h) Final dates to file objections under Rule 26(a)(3).

November 12, 2022.

- (i) Suggested trial date and estimate of trial length.

The parties suggest a trial date in **December 2022**. Trial is expected to last 2-3 days.

(k) Other matters.

Electronic Service of Discovery: The parties agree that, pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure, any documents, including pleadings, discovery requests and discovery responses, may be served by electronic means. The parties agree to serve counsel by serving documents via the email addresses registered with this Court's ECF system. If an error or delayed delivery message is received by the sending party, then the sending party shall promptly (within three (3) business days of receipt of such message) notify the intended recipient of the message and serve the pleading or other papers by other authorized means.

Electronic Copies

The parties agree that, for the convenience of the parties, copies of all written discovery requests shall be provided and/or served electronically with a duplicate copy in editable format.

Exhibits: The parties agree to use a unified exhibit numbering system for any depositions to be taken by either party in this matter.

Protective Order: Any request for the entry of a Confidentiality Protective Order shall be filed by **September 24, 2021**.

Dated: August 27, 2021

**For Plaintiff,
KIMBERLY MILES**

s/ David M. Marco
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